

REMARKS

Claims 17-23 and 33-45 are currently pending. Claims 24-26 and 32 have been cancelled and claims 33-45 have been added. Claims 17-18 have been amended.

The Examiner rejected claims 17-18 and 20-23 under 35 U.S.C. §102(b) as being anticipated by Murayama (U.S. Patent No. 4,473,251). The Examiner also rejected claims 17-19 and 21-22 under 35 U.S.C. §102(b) as being anticipated by Willey (U.S. Patent No. 5,732,965). In addition, the Examiner rejected claims 17-18, 20, and 22-23 under 35 U.S.C. §102(e) as being anticipated by Stanberry (U.S. Patent Publication No. 2002/0131606).

Amended claim 17 defines a break-away mounting system for mounting an electronic device to a motorcycle that includes a motorcycle riser having an upper portion and a lower portion that at least partially attaches a handlebar to the motorcycle. The break-away mounting system includes a first bracket that is connectable to at least one of the upper portion and the lower portion with a fastener. A second bracket is connectable to the electronic device and is detachably connected to the first bracket. Rotation of the second bracket relative to the first bracket disengages the second bracket from the first bracket.

Murayama does not teach or suggest, among other things, a break-away mounting system that includes a first bracket that is connectable to at least one of the upper and lower portion of a motorcycle riser with a fastener. Rather, Murayama discloses an audio device for a motorcycle that attaches to the front cowl. The front cowl 1 is attached to the body of the motorcycle. *See col. 2, line 16.* An outer case 24 (first bracket as identified by the Examiner) is connected to the front cowl 1 using a plurality of screws 25. An audio control unit 52 is disposed within a case 53 (second bracket as defined by the Examiner) that is engageable with the outer case 24. While the front cowl 1 is attached to the body of the motorcycle, there is no

discussion of the cowl 1 being connected to a riser. As is well known in the motorcycle art, a riser facilitates the attachment of the handlebar to a motorcycle. Thus, the riser must move with the handlebar to steer the motorcycle. However, Murayama states that the motorcycle includes a steering handle 3 that may be movable *independent* of the cowl 1. *See col. 2, line 18-20.* If the steering handle 3 is movable independent of the cowl 1, the riser, which supports the steering handle 3, must also be movable *independent* of the cowl 1. Thus, neither the outer case 24 nor the case 53 can be attached to the motorcycle riser with a fastener, as this connection would tie the cowl 1 to the riser such that the two components could not rotate independent of one another.

The Examiner attempts to overcome these deficiencies by stating that “the body of the motorcycle is considered to comprise a riser as broadly claimed.” Applicants have amended claim 17 to more clearly identify the riser and two of the components that comprise the riser. Applicants further note that, as discussed above, the term “riser” is well known in the motorcycle art and is described in the specification as being the component that facilitates the attachment of the handlebars to the motorcycle. *See specification, page 6, lines 1-5.* The Examiner’s interpretation of the body of a motorcycle comprising a riser is simply too broad. While the riser is coupled to the body of the motorcycle, as are all of the components of the motorcycle, the riser is a specific, identifiable component on a motorcycle and Murayama does not teach or suggest attaching an electronic device to that component.

In light of the foregoing, Murayama does not teach or suggest each and every limitation of claim 17. As such, claim 17 is allowable. In addition, claims 18-23, which depend from claim 17, are allowable for these and other reasons.

Willey does not teach or suggest, among other things, a break-away mounting system that includes a first bracket that is connectable to at least one of the upper and lower portion of a motorcycle riser with a fastener. Rather, Willey discloses a mounting system for a motorcycle accessory. The system includes a pair of anchors 60, 66 that are supported by a bracket 54 that includes left and right hand halves 56, 58. The left and right hand halves are secured to the upper portion of the fork assembly 12. A latch mechanism housing 74 attaches to the anchors 60, 66 to attach the accessory to the fork assembly 12. The Willey device is not attachable to a riser nor is it attachable to a riser using a fastener. The Examiner attempts to overcome this deficiency by stating that the riser is “the part of the fork tubes that are below the spacer 56.” As discussed with regard to the Murayama rejection, the riser is a well-known component in the motorcycle art. As such, the Examiner cannot simply define any motorcycle component as the riser. Claim 17 recites a bracket that is attachable to the riser and further recites that the riser attaches the handlebars to the motorcycle. Willey does not teach or suggest attaching a bracket to any component that also attaches the handlebars to the motorcycle.

In light of the foregoing, Willey does not teach or suggest each and every limitation of claim 17. As such, claim 17 is allowable. In addition, claims 18-23, which depend from claim 17, are allowable for these and other reasons.

Stanberry does not teach or suggest, among other things, a break-away mounting system that includes a first bracket that is connectable to at least one of the upper and lower portion of a motorcycle riser with a fastener. Rather, Stanberry discloses a motorcycle audio system that includes a housing that receives a conventional audio device and is mounted to the windshield assembly of the motorcycle. The Examiner points to a housing 2 as a first bracket

and to Fig. 6A including rotatable screw 48 as the second bracket. However, Fig. 6A illustrates the attachment of an antenna to the first bracket and teaches nothing regarding mounting the first bracket 2 to the motorcycle. Furthermore, nothing in Stanberry teaches or suggests attaching the audio system to the riser. Rather, the system is clearly described as being attachable to a windshield.

In light of the foregoing, Stanberry does not teach or suggest each and every limitation of claim 17. As such, claim 17 is allowable. In addition, claims 18-23, which depend from claim 17, are allowable for these and other reasons.

New claims 33-45 are allowable for the reasons set forth above and for other reasons. For example, claim 33 defines a break-away mounting system for mounting an electronic device to a motorcycle riser. The break-away mounting system includes, among other things, a first bracket connectable to the motorcycle riser. As discussed above, Murayama, Willey, and Stanberry, alone or in combination, do not teach or suggest a mounting system that includes a bracket attached to the motorcycle riser. Thus, claim 33 and claims 34-38, which depend from claim 33, are allowable.

New claim 39 defines a break-away mounting system for mounting an electronic device to a motorcycle riser. The riser includes an upper portion, a lower portion, and a fastener that cooperate to attach a handlebar to the motorcycle. The break-away mounting system includes a first bracket connectable to the riser. The fastener is operable to attach the first bracket, the upper portion, and the lower portion to one another. As discussed above, Murayama, Willey, and Stanberry, alone or in combination, do not teach or suggest a mounting system that includes a first bracket that connects to the riser using a fastener. Thus, claim 39 and claims 40-45, which depend from claim 39, are allowable.

CONCLUSION

In light of the foregoing, Applicants respectfully submit that claims 17-23 and 33-45 are allowable.

The undersigned is available for telephone consultation during normal business hours.

Respectfully submitted,



Thomas J. Otterlee
Reg. No. 48,652

Docket No.: 043210-1428-00
Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Milwaukee, Wisconsin 53202-4108

(414) 271-6560